

Remarks

In connection with the above-referenced patent application and in response to the Office Action dated June 7, 2007 in connection therewith, Applicant hereby amends certain claims to overcome certain ones of the outstanding rejections thereof and traverses certain other ones of the outstanding rejections thereof. Applicant submits that the instant claims, as amended, are patentable over the cited references and that the instant application, as amended, is in condition for allowance.

In the instant Office Action, claims 1-15 stand rejected under 35 U.S.C. 101 as being allegedly directed to non-statutory subject matter; claims 1, 7-9, 13, 15, 16, 22-24, 28 and 30 stand rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication No. 2003/0236999 A1 by Jose C. Brustolini (hereinafter "Brustolini"); and each of claims 2-6, 10-12, 14, 17-21, 25-27 and 29 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Brustolini in view of one of a number of other cited references.

By way of this amendment, Applicant has amended independent method claims 1 and 8 by specifying that the methods recited thereby are performed by a router and a server, respectively, in order to overcome the outstanding rejections under 35 U.S.C. 101 and to thereby further the instant prosecution (despite the fact that Applicant respectfully disagrees with this particular rejection). In addition, Applicant has further amended independent method claims 1 and 8 and has amended independent apparatus claims 16 and 23 to incorporate the limitations of certain corresponding dependent claims thereto, to thereby overcome (*i.e.*, moot) the outstanding rejections under 35 U.S.C. 102(e). In particular, the limitations of previous dependent claim 2 have been incorporated into amended claim 1; the limitations of previous dependent claims 13 and 14 have been incorporated into amended claim 8; the limitations of previous dependent claim 17 have been incorporated into amended claim 16; and the limitations of previous dependent claims 28 and 29 have been incorporated into amended claim 23. (Correspondingly, each of claims 2, 13, 14, 17, 28 and 29 have been canceled.) Finally, regarding the outstanding rejections under 35 U.S.C. 103(a) in general, and with respect to previous claims 2, 14, 17 and 29 in particular, Applicant respectfully traverses, based on the provisions of 35 U.S.C. 103(c).

First, Applicant notes that the instant application has been assigned to Lucent Technologies

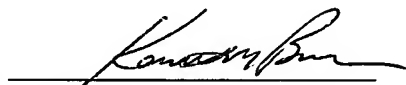
Inc., and such assignment has been duly recorded in the USPTO at reel 014984, frame 0055. Similarly, Brustolini has also been assigned to Lucent Technologies Inc., and such assignment has been duly recorded in the USPTO at reel 013041, frame 0764. As such, in accordance with the provisions of 35 U.S.C. 103(c), claims in the instant application may not be rejected under 35 U.S.C. 103(a) based on any reference (*i.e.*, Brustolini) which is prior art thereto only under 35 U.S.C. 102(e).

Moreover, despite the fact that Brustolini has a publication date (*i.e.*, December 25, 2003) prior to the filing date of the instant application (February 11, 2004), Applicant submits that Brustolini is not prior art to the instant application under 35 U.S.C. 102(a), because the instant invention was made prior to the publication date of Brustolini. In particular, Applicant hereby submits a declaration under 37 C.F.R. 1.132, attached hereto, which has been signed by Applicant's undersigned attorney and attests to the fact that a description of the instant invention by the instant inventor was submitted to said attorney (for purposes of analysis and the preparation and filing of the instant application) *prior to* the publication date of Brustolini. Therefore, Applicant respectfully submits that Brustolini is, in fact, prior art to the instant application *only* under 35 U.S.C. 102(e), and not, for example, under 35 U.S.C. 102(a), thereby prohibiting its use as a reference against the instant claims under 35 U.S.C. 103(a), based on the provisions of 35 U.S.C. 103(c).

For the above reasons, Applicant submits that independent method claims 1 and 8, as amended, are clearly directed to statutory subject matter under 35 U.S.C. 101. And since each of the remaining pending method claims depend from one of these independent method claims, each of these dependent claims are also directed to statutory subject matter for at least the same reasons. In addition, Applicant submits that each of independent claims 1, 8, 16 and 23, as amended, are allowable over the cited references, based on the fact that Brustolini and the instant application are commonly owned. And since each of the remaining pending claims depend from one of these independent claims, each of the dependent claims are patentable over the cited references for at least the same reasons. Specifically, therefore, Applicant submits that all of the instant claims are directed to statutory subject matter and are patentable over the cited references, and respectfully submits that the instant application is in condition for allowance. Reconsideration of this application is respectfully requested in light of this submission. The Examiner is invited to telephone Applicant's attorney, Kenneth M. Brown, at (908) 582-5998, should there be any questions or issues for discussion in the reconsideration of the pending application.

Respectfully,

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By 
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Lucent Technologies, Inc.

Date: 9/4/07